

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 20-cr-272 (PAM/TNL)

Plaintiff,

ORDER

v.

Dean Jerome Berg,

Defendant.

This matter comes before the Court on Defendant Dean Jerome Berg's Motion to Suspend Scheduling Order, ECF No. 27. Defense counsel requests that the Court "suspend[] further scheduling in this matter" as a bench warrant has been issued for Defendant's arrest and Defendant "has not been apprehended and remains unavailable to counsel and the [C]ourt."¹ ECF No. 27 at 1. The Government has no objection to the request.

The Court will grant Defendant's motion. Any pretrial or trial deadlines are hereby continued and shall be rescheduled by further order upon Defendant's apprehension. The Court will also strike the criminal motions hearing scheduled for July 29, 2021. *See* ECF Nos. 24, 25. This Order is entered pursuant to 18 U.S.C. § 3161(h)(3) (absence or unavailability of defendant) and (7) (interests of justice). The Court finds that, because a bench warrant has been issued for Defendant and he has not been apprehended, the ends of

¹ To the extent defense counsel comments on items presently under seal, the Court repeats only the information publicly revealed by defense counsel in the motion.

justice served by granting this continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation.

Based on the foregoing, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Suspend Scheduling Order, ECF No. 27, is **GRANTED**.
2. The criminal motions hearing scheduled for July 29, 2021, *see* ECF Nos. 24, 25, is **STRICKEN**.
3. Any pretrial or trial deadlines are hereby continued and shall be rescheduled by further order upon Defendant's apprehension. The Government shall contact the Court for a new schedule once Defendant is located and apprehended.
4. Absent further order of the Court, **the period of time from June 23, 2021 through Defendant's apprehension** shall be excluded from Speedy Trial Act computations in this case.

Dated: June 30, 2021

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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